

Amendment
Application No. 10/552,152
Attorney Docket No. 053170

REMARKS

Claims 1-8 are pending in this application, of which claim 1 has been amended. No new claims have been added.

(1) Claims 1 and 3-7 were rejected under 35 U.S.C. §102(e) as being anticipated by Ito et al. (JP2002-153545).

Claim 1 has been amended to incorporate the limitation that the water-absorbing resin is a cross-linked polymer of an acrylic acid salt. The amendment is supported at page 4, lines 6-17.

Ito et al. do not disclose or suggest a cross-linked polymer of an acrylic acid salt as a water-absorbing resin. Thus, the rejection of amended claim 1 under 35 U.S.C. §102(e) is not supported by Ito et al. Reconsideration of the rejection is respectfully requested.

(2) Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. (JP2002-153545) in view of Yamazaki et al. (JP 2001-039802).

The Examiner states that Yamazaki et al. teach the claimed weight fraction. The Applicants assume that the Examiner reads claim 1 of the reference, where Yamazaki et al. teach (A)/(B) = 1 to 100 weight parts, wherein "A" is a water-absorbing polymer and "B" is a cationic microbicide.

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However, the taught microbicide (B) is not the claimed “antibacterial agent having a porous material incorporating an antibacterial metal.” The taught microbicide (B) does not have a porous material. Please see paragraphs [0011] to [0017].

Because the weight fraction taught by Yamazaki et al. is different from the claimed antibacterial agent, there is no motivation to modify Ito et al. in view of the different weight fraction taught by Yamazaki et al. Reconsideration of the rejection is respectfully requested.

(3) Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. (JP2002-153545) in view of Hanaoka et al. (JP 8052203).

Neither Ito et al. nor Hanaoka et al. discloses the claimed features. In addition, claim 8 depend on claim 1. Reconsideration of the rejection is respectfully requested.

(4) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Amendment

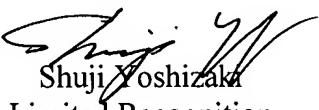
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Limited Recognition
Petition for Extension of Time